

PUBLIC LANDS ADVOCACY

CLAIRE M. MOSELEY

EXECUTIVE DIRECTOR

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January 22, 2002

Mr. Rick Cables
Regional Forester
Rocky Mountain Region
740 Simms Street
Golden, CO 80401

Re: Northern Great Plains Management Plans Revision/EIS
Thunder Basin National Grassland

Dear Mr. Cables:

On behalf of Public Lands Advocacy (PLA) and the Petroleum Association of Wyoming (PAW), following are comments on the Final Environmental Impact Statement for the Northern Great Plains Management Plans Revision. PLA is a non-profit organization whose members include major and independent petroleum companies and non-profit trade and professional organizations that have joined together to foster the interests of the oil and gas industry relating to responsible and environmentally sound exploration and development on federal lands. PAW is Wyoming's largest and oldest oil and gas trade organization, the members of which account for over 90 percent of the natural gas and over 70 percent of the crude oil produced in the State. PLA has chosen to submit separate comments on the FEIS, a joint letter with PAW for the Thunder Basin National Grassland (TBNG) and one for the Dakota Prairie Grassland (DPG). These comments address the TBNG.

STIPULATIONS

Given the fact that over 40 percent of the TBNG is already under oil and gas lease, it is obvious that the Forest Service is of the opinion that its proposed decisions will not have a severe impact on future oil and gas development in the area. While it is true that current lessees enjoy valid existing lease rights, there will certainly be fallout as a result of the proposed management changes in the FEIS.

The dramatic increase in restrictions reflected in the Preferred Alternative clearly exhibits:

- ♦ The agency's bias against future development of oil and gas resources;
- ♦ A lack of understanding of the abilities the industry has to mitigate adverse effects that could possibly stem from exploration and development activities; and,
- ♦ An unwillingness to accommodate oil and gas activities on the TBNG in a reasonable manner.

The excessive increases in restrictions are illustrated below:

Land Classifications	Alternative 1 (Current Mgmt.)	Alternative 3 (Preferred)
Available for Lease	1,158,760 acres	1,158,760 acres
Not Authorized for Lease *	0 acres	246,850 acres
Acres Open for Lease	1,158,760 acres	911,910 acres
No Surface Occupancy (NSO)	7,580 acres	120,340 acres
Controlled Surface Use (CSU)	106,470 acres	143,810 acres
Paleo CSU	0 acres	641,260 acres
Timing Limitations	110,270 acres	245,760 acres
Standard Lease Terms	953,020 acres	0 acres

* Pending completion of the Powder River Basin Oil and Gas Project EIS

It appears the Forest Service went to great lengths to develop restrictions that would effectively preclude any future development in the TBNG. Many of these stipulations will be applied to protect **potential** habitat for listed or sensitive species or **potential** sites for cultural or paleontological resources. The imposition of unjustified restrictions on potential habitat or potential historic sites in the same manner as known habitat or sites should be eliminated as it results in excessive, unwarranted prohibitions on access and increases the cost of operations.

WILDLIFE

With respect to wildlife concerns, several studies¹ have been conducted on oil and gas impacts to wildlife that demonstrate oil and gas activities have limited impacts on wildlife. These studies, which are available from PLA, show that as long as reasonable measures are taken to reduce seasonal activity and road kills, for example, no long-term impacts have been documented. Therefore, we urge the Forest Service to revise its analysis taking into account the aforementioned studies and devise a reasonable plan that allows continued oil and gas leasing, exploration and development activities on the TBNG.

PALEONTOLOGICAL RESOURCES

¹ Easterly, T., A. Wood, and T. Litchfield. Undated. Circa 1992. Response of pronghorn and mule deer to petroleum development on crucial winter range in the Rattlesnake Hills. Unpublished Completion Report.

Hayden-Wing Associates. 1991. Review and evaluation of the effects of Triton Oil and Gas Corporation's proposed coalbed methane field development on elk and other big game species. Unpublished report. Hayden-Wing Associates, Laramie. 92 p.p. + appendices

Hayden-Wing Associates. 1990. Review and evaluation of the regulation and effects of oil and gas development on mule deer, sage grouse, and raptors on the Big Piney-La Barge winter range. Unpublished report. Hayden-Wing Associates, Laramie. 75 p.p. + appendices.

Johnson, B. K., L. D. Hayden-Wing, and D. C. Lockman. 1990. Responses of elk to development of Exxon's Riley Ridge Gas Field in western Wyoming. Pp. 42-55 R. L. Callas, D. B. Koch, and E. R. Loft, Eds. Proceedings of the 1990 western states and provinces elk workshop, Eureka, CA. California Department of fish and Gas, Sacramento. 138 pp.

Van Dyke, F. and W. C. Klein, 1996. Response of elk to installation of oil wells. J. Mammalogy, 77(4): 1028-1041

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We still question the Forest Service's legal authority to manage paleontological resources and to place new restrictions on oil and gas leases. It is clearly evident that the Forest Service will force the petroleum industry to bear the financial and temporal burdens of conducting numerous future resource surveys to identify sensitive paleontological resources. Even if the FS can satisfactorily document that it does indeed have legal authority for managing paleontological values, it is the agency's responsibility to have **already** documented the location of these resources in the planning area before imposing new constraints. Industry must not be forced to comply with demands for endless resource studies in order to obtain approval for permits just so the agency can add to its resource database. We urge the FS to work with other federal and state agencies to obtain necessary data to make valid land use decisions instead of relying upon industry-funded surveys. It is also critical for a resource database to be compiled as a means of avoiding duplicative inventories or surveys.

COALBED METHANE

The FS has deferred its leasing decision on nearly 247,000 acres of land because it lies within the Powder River Basin. The FS asserts its leasing decisions will be made upon completion of the Powder River Basin Oil and Gas Project EIS. While the FS could have easily addressed this issue in this EIS, we concede that such a delay may be warranted. However, no mention of the process for subsequent leasing is provided. Given that the FS intends to use the Powder River Basin EIS as its basis for making leasing decisions, no subsequent NEPA analysis will be necessary. This fact must be clarified in the Record of Decision for the FEIS.

ECONOMICS

It is alarming that the FS continues to ignore the serious negative socio-economic impacts of its decisions on the well being of the citizens of Wyoming. In fact, the National Grasslands yield in more oil and gas production, and more Federal royalties, than any other Forest Service unit. Management of the National Forest System (NFS) is bound by the Organic Act, the Multiple Use Sustained Yield Act (MUSYA) and the National Forest Management Act (NFMA), which all require the NFS to be managed for multiple-use. We object to the FS's proposal to make aesthetic values its first priority. None of these Acts sanction ecological factors above any other uses, nor do they provide that land and resource management plans can establish ecological sustainability considerations as a top management priority. **According to the Acts and their legislative histories, Congress intended for the NFS to continue to support the economies of rural communities and to provide goods and services, including energy and minerals, at a level that would sustain these communities and the nation.**

Due to the FS's obvious focus on protection rather than conservation of resources, socio-economic stability and sustainability are being subordinated to ecological considerations. While we certainly do not object to maintaining or restoring declining ecosystems, it is evident that the sense of balance needed for making planning, budgeting and management decisions continue to suffer. All three of these planning elements must receive equal consideration in all FS decisions.

Moreover, on page 3-110 the Forest Service admits that the majority of oil production from the TBNG is classified as stripper wells, producing an average of 4.6 barrels per day. Even though the agency purportedly recognizes the importance of this production to both local and national economies, it has NOT taken into account the effects such increases in unwarranted restrictions will have on future development due to increased costs and timing limitations. Development of such low volume wells is based upon a very fine balance between development costs and revenue received from the well. The increase in unwarranted restrictions will undoubtedly impact the future development of these resources due to the increases in costs and delays in development time frames. Industry's concern does NOT denote opposition to reasonable protection measures for sensitive resource values. Quite the contrary is true; industry has demonstrated its willingness on repeated occasions to mitigate its activities in order to address environmental concerns, including perceived impacts on wildlife and cultural resources. It is time for the FS to acknowledge the compatibility between oil and gas resources and other resource values.

CONCLUSION

The FEIS fails to comply with two energy related policies President Bush put into place May 18, 2001 – Executive Order (EO) 13211: *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* and EO 13212 *Actions to Expedite Energy-Related Projects*. In EO 13211, the President recognized that "The Federal Government can significantly affect the supply, distribution, and use of energy." As a result of these concerns, President Bush required all Federal agencies to "Submit a State of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget" for actions that could have a significant affect on energy supply, etc.

The FEIS also ignores the President's Executive Order (EO) 13212, which states, "The increased production and transmission of energy in a safe and environmentally sound manner is essential to the well-being of the American people. In general, it is the policy of this Administration that executive departments and agencies (agencies) shall take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission or conservation of energy." Specifically, Executive Order 13212 directs federal officials to:

- ◆ Examine land status and lease stipulation impediments to federal oil and gas leasing
- ◆ Review and modify those where opportunities exist (consistent with the law, good environmental practices, and balanced use of other resources)
- ◆ Review public land withdrawals and lease stipulations, with full public consultation, especially with the people in the region, to consider modifications where appropriate

The decisions contained in the FEIS/LRMP obviously conflict with the President's Executive Orders and National Energy Policy. Rather than finding ways to expedite processes and reduce impediments, the FEIS encourages delays, over-stipulates leases and creates needless de facto withdrawals. Therefore, we recommend that the Forest Service reevaluate its decisions and determine ways in which it can eliminate the bias against oil and gas resource exploration

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and production and in so doing come into compliance with the President's National Energy Policy and EO direction.

We appreciate this added opportunity to provide the Forest Service with our comments and concerns regarding the Thunder Basin National Grassland Land and Resource Management Plan – 2001 Revision and Final Environmental Impact Statement. However, we are disappointed that the agency did not more carefully consider and utilize the comments it received on the DEIS. It is important that the Forest Service acknowledges its role as a partner with local communities and governing bodies and develops land use decisions that will not have negative economic impacts. There is a need for balance in land use planning among all values, no one value taking priority over another. Such a balanced approach is not evident in the decisions proposed in the FEIS/LRMP. Therefore, we encourage the Forest Service to reevaluate its decisions and reflect reasonable changes in the forthcoming Record of Decision.

Yours truly,

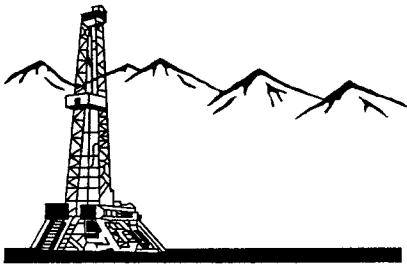
/s/ Claire Moseley

Claire Moseley
Executive Director
Public Lands Advocacy

/s/ Dru Bower

Dru Bower
Vice President
Petroleum Association of Wyoming

Cc: Dale Bosworth, US Forest Service Chief
V. A. Stephens, CEQ
Larry Gadt, Director, FS Minerals and Geology



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January 22, 2002

Dave Pieper, Grasslands Supervisor
Dakota Prairie Grasslands
1511 East Interstate Avenue
Bismarck, ND 58501

Re: Dakota Prairie Grasslands Land and Resource
Management Plan – 2001 Revision and Final
Environmental Impact Statement

Dear Mr. Pieper:

The following comments on the Final Environmental Impact Statement (FEIS) and Land and Resource Management Plan Revision (LRMP) for the Dakota Prairie Grasslands (DPG) are being submitted on behalf of Public Lands Advocacy (PLA). PLA is a nonprofit trade association whose members include both major and independent petroleum companies as well as other nonprofit trade and professional associations who have joined together to foster the interests of the oil and gas industry as they relate to exploration and development activities on federal lands. As such, PLA incorporates by reference the comments and proposed revision of Management Area (MA) 3.51A prepared by its member the North Dakota Petroleum Council (NDPC) on the DPG portion of the FEIS. PLA is filing separate comments on the Medicine Bow National Forest, Thunder Basin National Grassland, portion of the FEIS.

General Comments

PLA joined with the NDPC in preparing comments on the Draft Environmental Impact Statement (DEIS) for the DPG. In addition to preparing comments, we participated in several meetings with the Forest Service (FS) and the North Dakota Governor's office, as well as other state officials, in an attempt to realize acceptable resolutions to many serious concerns associated with the proposed management changes contained in the DEIS. These concerns focused on the unwarranted, dramatic increase in restrictive stipulations and proposed no lease areas on the DPG.

As PLA pointed out in its comments on the DEIS, "The Petroleum Industry has enjoyed a mutually beneficial relationship with the FS, particularly with respect to oil and gas operations or exploration and production operations in the national grasslands (NG's) referenced in the Northern Great Plains Plan (NGP) Revision process. Industry has continually demonstrated its willingness to accept reasonable and further mitigation measures and conditions of approval

(COA) as requested by the FS to provide protection to particular resources the agency believed were in need of additional consideration during exploration and development activities. Moreover, industry has provided a wealth of resource information to the FS through studies and inventories conducted in conjunction with oil and gas activities for plants, wildlife and cultural resources, such as bighorn sheep studies and biological evaluations for plant communities. As a general rule, the Petroleum Industry has served as a partner with the FS in ensuring its activities do not have a negative impact on the environment and sensitive resource values of concern to the agency."

Notwithstanding PLA's comments on the DEIS and subsequent meetings with state and federal officials in an effort to resolve our concerns, the FS has chosen to essentially ignore our concerns and efforts to reach a reasonable compromise. This lack of consideration is demonstrated by the decision in the FEIS to practically double the number of acres deemed unavailable for leasing and to impose even greater restrictions on the lands for which the specific lands leasing decision has been made which allows leasing.

Specifically, we object to the following changes in DPG management proposed in the Preferred Alternative in the FEIS:

- ◆ Designation of 19,700 acres as "research natural areas" and, therefore, unavailable for leasing.
- ◆ Designation of 41,500 acres as "suitable for wilderness." Not only do these lands fail to meet the wilderness criteria, the FS has no authority to propose new wilderness areas on the DPG. In a FS/industry meeting in Denver, the agency indicated it was utilizing Eastern wilderness bills as authority for proposing new wilderness areas. However, upon review of the enabling legislation, it is evident that these laws apply only to lands in the East. Moreover, the Wilderness Act by its express terms applies only to National Forests, parks and refuges. 16 U.S.C. §1131. Congress enacted a separate law to provide for wilderness review of the public domain. 43 U.S.C. §1782. If Congress had intended to extend wilderness to National Grasslands, an express statutory amendment would have been required because these laws do not apply to the National Forest System but only to National Forests. Consequently, the FS is illegally proposing wilderness in the DPG without any statutory authority to do so. Moreover, it is clearly evident that there is no political support, state or federal, for a new wilderness designation.
- ◆ Designation of 6,400 acres as a Special Interest Area with an NSO stipulation
- ◆ Designation of 69,400 acres as "Backcountry nonmotorized" lands with an NSO stipulation
- ◆ Designation of 19,300 acres as Bighorn Sheep habitat with an NSO stipulation
- ◆ Allocation of 35,800 acres to a new MA 3.51A, Bighorn Sheep-Non-Federal Minerals, with an NSO stipulation

The FS has erroneously concluded that such increases in restrictions are necessary to protect resource values perceived as sensitive. However, as previously stated, industry has repeatedly demonstrated, with great success, its commitment to working with the agency to minimize any potential impact through less restrictive measures.

Economic Impact

It is alarming that the FS continues to ignore the serious negative socio-economic impacts of its decisions on the well being of the citizens of North Dakota. Since 1990, oil and gas activities

have accounted for 58% of the economy of western North Dakota. In fact, the Grasslands result in more oil and gas production, and more Federal royalties, than any other Forest Service unit. Management of the NFS is bound by the Organic Act, the Multiple Use Sustained Yield Act (MUSYA) and the National Forest Management Act (NFMA), which all require the NFS to be managed for multiple-use. We object to the FS's proposal to make aesthetic values its first priority. None of these Acts sanction ecological factors above any other uses, nor do they provide that land and resource management plans can establish ecological sustainability considerations as a top management priority. **According to the Acts and their legislative histories, Congress intended for the NFS to continue to support the economies of rural communities and to provide goods and services, including energy and minerals, at a level that would sustain these communities and the nation.**

Due to the FS's obvious focus on protection rather than conservation of resources, socio-economic stability and sustainability are being subordinated to ecological considerations. While we certainly do not object to maintaining or restoring declining ecosystems, it is evident that the sense of balance needed for making planning, budgeting and management decisions continue to suffer. All three of these planning elements must receive equal consideration in all FS decisions.

MA 3.51A Bighorn Sheep Habitat with Non-Federal Mineral Ownership

PLA objects to the new Management Area 3.51A because it allows leasing only after the development of a well on an adjacent spacing unit or the construction of an access road across the area to access existing operations. Moreover, leasing of the area would only be allowed with a Controlled Surface Use stipulation that requires no significant adverse impact to the sheep could occur. First, the FS has no scientific evidence substantiating that oil and gas activities have a significant impact on bighorn sheep. In fact, studies have shown that wellsite construction and associated roads only cause temporary displacement of sheep and they return to their chosen areas once activities have been concluded. We recognize that lambing periods are cause for the greatest concern and that activities should be kept to a minimum during those times. Rather than the excessive restrictions presented in the FEIS and LRMP, a seasonal restriction would offer the protection necessary to avoid significantly adverse impacts on the sheep during this critical period.

As delineated, MA 3.51A will unduly hinder the development of non-federal and currently leased federal minerals, as well as unleased federal minerals in the management area. PLA advocates that the FS revise the requirements of MA 3.51A to make all federal lands within the area available for leasing, subject to reasonable stipulations as required to provide adequate protection of the habitat.

Conclusion

The FEIS fails to comply with two energy related policies President Bush put into place May 18, 2001 – Executive Order (EO) 13211: *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* and EO 13212 *Actions to Expedite Energy-Related Projects*. In EO 13211, the President recognized that "The Federal Government can significantly affect the supply, distribution, and use of energy." As a result of these concerns, President Bush required all Federal agencies to "Submit a State of Energy Effects to the Administrator of the

PLA Comments on DPG Plan Revision
January 22, 2002

Office of Information and Regulatory Affairs, Office of Management and Budget" for actions that could have a significant affect on energy supply, etc. In what manner has the FS complied with this new requirement?

The FEIS also ignores the President's Executive Order (EO) 13212, which states, "The increased production and transmission of energy in a safe and environmentally sound manner is essential to the well-being of the American people. In general, it is the policy of this Administration that executive departments and agencies (agencies) shall take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission or conservation of energy." Specifically, Executive Order 13212 directs federal officials to:

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The decisions contained in the FEIS/LRMP obviously conflict with the President's Executive Orders and National Energy Policy. Rather than finding ways to expedite processes and reduce impediments, the FEIS encourages delays, over-stipulates leases and creates needless de facto withdrawals. Therefore, we recommend that the Forest Service reevaluate its decisions and determine ways in which it can eliminate the bias against oil and gas resource exploration and production and in so doing come into compliance with the President's National Energy Policy and EO direction.

We appreciate this added opportunity to provide the Forest Service with our comments and concerns regarding the Dakota Prairie Grasslands Land and Resource Management Plan – 2001 Revision and Final Environmental Impact Statement. However, we are disappointed that the agency did not take the comments it received on the draft into more consideration. It is important that the Forest Service acknowledges its role as a partner with local communities and governing bodies and develops land use decisions that will not have negative economic impacts. There is a need for balance in land use planning among all values, no one value taking priority over another. Such a balanced approach is not evident in the decisions proposed in the FEIS/LRMP. Therefore, we encourage the Forest Service to reevaluate its decisions and reflect reasonable changes in the forthcoming Record of Decision.

Yours truly,

/s/ Claire M. Moseley

Claire M. Moseley
Executive Director

Cc: Dale Bosworth, US Forest Service Chief
Brad Powell, R-1 Regional Forester
V. A. Stephens, CEQ
Larry Gadt, Director, FS Minerals and Geology

*North Dakota Petroleum Council Suggested Revisions***3.51A BIGHORN SHEEP HABITAT WITH NON-FEDERAL MINERAL OWNERSHIP**

The following bighorn sheep habitat areas have non-federal mineral ownership within them: Icebox Canyon, Buckhorn Creek, Hank's Gully, Dry Creek, and Wannagan. These areas are managed to provide quality forage, cover, escape terrain, and solitude for bighorn sheep while accounting for the development of the non-federal mineral ownership (see Preface for an explanation of existing mineral rights). These areas would also allow petroleum resource development on federal minerals with appropriate protections through Controlled Surface Use (CSU) and Timing Limitations (TL) stipulations.

Desired Conditions

Bighorn sheep habitat provides an abundant supply of food and cover. Other resource management activities are modified as needed to maintain high habitat suitability levels and acceptable levels of solitude. To achieve population objectives, the integrity of lambing, breeding and other important habitat features (e.g. escape terrain) in occupied and unoccupied habitat will be protected.

Coordinate with other federal and state agencies and private landowners to manage habitat and monitor herd size of existing bands of bighorn sheep. In conjunction with North Dakota Department of Game and Fish, consider augmenting existing populations with additional sheep introductions.

Minerals operations will occur in a manner that minimizes effects on bighorn sheep and their habitat.

Standards and Guidelines**General**

1. Allow uses and activities which do not substantially degrade the characteristics for which the area was designated. **Standard**
2. Implement habitat enhancement projects that improve sheep foraging habitat and provide connectivity of foraging areas with escape terrain. **Guideline**

Minerals and Energy Resources

1. Allow oil and gas leasing with surface occupancy, using CSU and TL stipulations as necessary to prevent significant adverse impact to bighorn sheep. Subsequent surface operations may be modified or moved to minimize the additional impacts on bighorn sheep habitat. **Standard**
2. Identify and implement surface and minerals estate land exchanges that contribute to bighorn sheep management objectives. **Guideline**
3. *Refer to Chapter 1 (Grassland-wide Direction), Section D, for additional minerals and energy resources direction.*

Fire

1. *Refer to Chapter 1 (Grassland-wide Direction), Section G, for additional fire management direction.*

Livestock Grazing

1. Do not convert existing livestock allotments to domestic sheep or goat allotments in or adjoining this management area. **Standard**
2. Limit livestock forage allocation based on bighorn sheep needs. **Guideline**
3. *Refer to Chapter 1 (Grassland-wide Direction, Section L, and Chapter 2 (Geographic Area Direction) for additional livestock management direction.*

Invasive Species

1. Domestic sheep may be permitted as part of an integrated pest management (IPM) control program if they do not conflict with bighorn sheep management objectives. The North Dakota Game and Fish Department will be consulted if such a program is considered. **Guideline**
2. *Refer to Chapter 1 (Grassland-wide Direction, Section J, for additional invasive species direction.*

Recreation

1. Snowmobile use is prohibited in the management area. **Standard**
2. Restrict travel to protect sheep concentrations during lambing, breeding, and winter use, except for administrative use. **Guideline**
3. *Refer to Chapter 1 (Grassland-wide Direction), Section N, for additional heritage resource direction.*

Heritage Resources

1. *Refer to Chapter 1 (Grassland-wide Direction), Section N, for additional heritage resource direction.*

Scenery Management

1. Manage area to encompass the spectrum of Scenic Integrity Objectives. **Guideline**
2. *See Chapter 1 (Grassland-wide Direction), Section L, Chapter 2 (Geographic Area Direction) for Scenic Integrity Objectives map, and Appendix G (Glossary) for definition of terms.*

Special Uses

1. Allow construction of new utility corridors which do not substantially degrade the characteristics for which the area was designated. **Standard**
2. *Refer to Chapter 1 (Grassland-wide Direction), Section P, for additional special uses direction.*

Infrastructure

1. Restrict construction of new travel routes across bighorn sheep habitat as may be necessary to prevent significant adverse impact to bighorn sheep; however, allow for valid existing rights such as oil and gas leases. **Guideline**
2. *Refer to Chapter 1 (Grassland-wide Direction), Section Q and Chapter 2 (Geographic Area Direction) for additional infrastructure direction.*

MA 3.51A - BIGHORN SHEEP HABITAT WITH NON-FEDERAL MINERAL OWNERSHIP

Timing Limitations/Controlled Surface Use (CSU)

Allow oil and gas leasing with surface occupancy, using TL and CSU.

Resource: Bighorn Sheep Habitat (CSU)

Stipulations

1. Operations may be modified or moved to minimize additional impacts on bighorn sheep habitat.
2. Surface-disturbing activities will not be allowed within 100 meters of non-vegetated habitats characterized by $\geq 80\%$ slope and ≥ 10 meter rise.
3. When conducting routine well monitoring and well maintenance activities vehicles of similar color should be used.
4. Routine well monitoring and well maintenance activities should be conducted on a predictable schedule, preferably during mid-morning.
5. Personnel should remain in vehicles while on roads.
6. Appropriate speed limits will be established.
7. Where necessary, access roads will be gated to prevent unnecessary human activity.
8. Dogs will be prohibited.
9. Provide awareness training to employees regarding bighorn sheep habitat, their behavior, and measures used to minimize disturbance.

Resource: Bighorn Sheep Habitat (TL)

Stipulations

- 1) Drilling activity will not be allowed within 1 mile line-of-sight of occupied bighorn sheep habitat during the lambing period (April 1 – June 15).

Objective (Justification)

For justification refer to the Land and Resource Management Plan Management, MA 3.51A Bighorn Sheep Habitat with Non-Federal Ownership, Standards and Guidelines, Minerals and Energy Resources, number 1. The objectives are to provide quality forage, cover, and escape terrain for bighorn sheep.

Application Methodology

Use this stipulation in MA.3.51a, Bighorn Sheep habitat with interspersed non-federal minerals. This stipulation applies to drilling and testing of wells and new construction projects and does not apply to operation or maintenance of production facilities.

Waivers

No conditions for a waiver are anticipated, and approval of waiver is unlikely.

Exceptions

The authorizing officer may grant an exception to this stipulation if the operator submits a plan that demonstrates impacts from the proposed action are acceptable or can be adequately mitigated.

Modifications

The boundaries of the stipulated area may be modified if the authorizing officer determines that portions of the area do not include bighorn sheep populations.